THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 222 of 2006

Smt. Pushpa Prasad W/O late Shri Kanta Prasad,
Resident of 8-B, Laxmi Road, Dehradun.

… **Petitioner.**

Versus

1. Ist Additional Civil Judge (Junior Division), Dehradun,
2. Smt. Rajeshwari Devi D/O Shri Shambhu Prasad Dangwal R/O Rajiv Nagar, Ajabpur Kalan, Dehradun, Distt. Dehradun.
3. Salek Chand, S/O Shri Haridwari Lal, R/O Balbir Road, Dehradun, Distt. Dehradun.
4. Som Dutt Kala, S/O Late Shri Mani Lal R/O Rajiv Nagar, Ajabpur Kalan, Dehradun, District Dehradun.
5. Rajkumari Padma Kumrai Devi, D/O Late Col. Shamsher Bahadur Singh, Resident of 59, Rajpur Road, Dehradun, District Dehradun.

… **Respondents**

Sri P.Saini, holding brief of Sri Kishore Kumar, learned counsel for the petitioner.
Sri Nand Prasad, learned standing counsel for the respondent no.1.

Dated 10-03-2006.

Hon'ble B.S.Verma, J.

Heard learned counsel.

The only prayer made in this writ petition by the petitioner is for a direction to the Ist Addl. Civil Judge (Junior Division) Dehradun-respondent no.1 to decide the Original Suit No. 48 of 2004, Smt. Pushpa Prasad Vs. Smt. Rajeshwari Devi and others, expeditiously, which has been filed by the petitioner against the respondent no.2 to 5.

It is alleged by the petitioner, that the petitioner filed a suit against the respondent nos. 2 to 5 for cancellation of sale deed before the Civil Judge (Senior Division) Dehradun on 21.1.2004. The plaintiff-petitioner also filed and application for temporary

injunction. The trial court did not grant ex parte ad interim injunction, rather issued notices to the defendants. Aggrieved, the plaintiff-petitioner preferred appeal before the District Judge, Dehradun, who passed an order on 8-7-2005 in Misc. Civil Appeal directing both the parties to maintain status-quo. It is alleged that during the pendency of proceedings before the District judge, the respondent no. 2 sold part of property to third person. Then the plaintiff petitioner moved application for amendment to impleading the persons who purchased the disputed property and for consequential amendments in the plaint. Subsequently, the suit was transferred to the court of respondent no.1 under the order of the District Judge dated 17.1.2006. It is also alleged that the written statement has not been filed by the defendants in the said suit and the defendants are adopting delay tactics to prolong the litigation and to cause injury to the petitioner, who is ages 84 years.

In the facts and circumstances of the case, I direct the respondent no.1 to decide the Original Suit No. 48 of 2004, Smt. Pushpa Prasad Vs. Smt. Rajeshwari Devi and others, in accordance with law, expeditiously preferably within a period of nine months from today.

With the above observation, the writ petition is disposed of finally.

(B.S. Verma, J.)

10.03.2006
RCP